

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

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|--------------------------|---|---------------|
| UNITED STATES OF AMERICA | : | 1:14CR333-1 |
| | : | |
| V. | : | |
| | : | |
| PABLO BUSTOS-CATANEDA | : | FACTUAL BASIS |

COMES NOW, the United States of America, by and through Ripley Rand, United States Attorney, and shows unto the Court the following factual basis in support of the defendant's plea of guilty to the charges herein:

Pablo Bustos-Castaneda was born in Mexico, and is a native and citizen of that country.

On November 29, 1988, Pablo Bustos-Castaneda was convicted in the Santa Ana, California Municipal Court for assault, inflict corporal injury on spouse/cohabitant, and battery.

On February 25, 1992, Pablo Bustos-Castaneda was convicted in the Superior Court for the State of Washington, Franklin County of unlawful delivery of a controlled substance and was sentenced to 21 months' imprisonment.

On April 6, 1993, Pablo Bustos-Castaneda was ordered removed to Mexico by an Immigration Judge. On April 8, 1993, agency form I-205 Warrant of Removal-Deportation was executed on him by including his fingerprint and signature, and Pablo Bustos-Castaneda was removed

from the United States to Mexico. He was given his Warning to Alien Ordered Removed or Deported.

At an unknown date and location Pablo Bustos-Castaneda re-entered the United States without the permission of the Attorney General or his successor, the Secretary of Homeland Security. On October 23, 1996, Pablo Bustos-Castaneda was encountered by Border Patrol Agents while incarcerated at the Benton County Jail in Kennewick, Washington.

On January 9, 1997, Pablo Bustos-Castaneda was convicted in the United States District Court for the Eastern District of Washington of felony alien in the United States after deportation and was sentenced to 3 months' confinement, 3 months' home detention and 3 years' supervised release.

On August 18, 1998, Pablo Bustos-Castaneda was convicted in a court of law in Franklin County, Washington, of child molestation and was sentenced to 57 months' imprisonment. He appealed the judgment which was later affirmed by the Division III Court of Appeals of Washington.

On February 20, 2002, Pablo Bustos-Castaneda was encountered by Border Patrol Agents while incarcerated in the Washington Department of Corrections.

On March 4, 2002, Pablo Bustos-Castaneda was again ordered removed to Mexico by an Immigration Judge. On March 5, 2002, agency

form I-205 Warrant of Removal-Deportation was executed on him by including his fingerprint, signature and photograph, and Pablo Bustos-Castaneda was removed from the United States to Mexico. He was again given his Warning to Alien Ordered Removed or Deported.

On March 9, 2011, Pablo Bustos-Castaneda was convicted in the Wilkes County District Court, for driving while impaired and sentenced to 30 days' imprisonment, and 24 months' probation.

On July 13, 2014, Pablo Bustos-Castaneda was arrested in Guilford County for driving while license revoked-impaired revocation. His fingerprints were submitted to the FBI via an Immigration Alien Query which is connected to the National Crime Information Center (NCIC) and an automated biometric identification system used by Immigration and Custom Enforcement (IDENT). The fingerprint based report revealed that Bustos-Castaneda had an FBI number assigned and an A-File number. Immigration records revealed he had previously been removed with no record of legal re-entry.

On July 22, 2014, ICE officers interviewed, fingerprinted and photographed Pablo Bustos-Castaneda. On the same date he was convicted of driving while license revoked-impaired revocation in the Guilford County District Court, High Point, North Carolina. An ICE detainer was lodged against him.

ICE Deportation Officer North conducted record checks of immigration indices and was unable to locate any record that Pablo

Bustos-Castaneda was granted permission by the Attorney General of the United States or the Secretary of the Department of Homeland Security to apply for admission to the United States after deportation/removal.

This the 3rd day of October, 2014.

Respectfully submitted,

RIPLEY RAND
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on October 3, 2014, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:
Helen Parsonage, Esquire.

Respectfully submitted,

RIPLEY RAND
UNITED STATES ATTORNEY

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